

CITY COUNCIL AGENDA

AUGUST 10, 2004

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
TERRY O. GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:32 a.m. - Closed Session, Room 600, City Hall
Absent – Council Members: None.

1:36 p.m. - Regular Session, Council Chambers, City Hall
Absent – Council Members: None.

7:00 p.m. - Public Hearings, Council Chambers, City Hall
Absent – Council Members: None.
- **Invocation (District 7)**
Vietnamese Youth Volunteer Association showcased traditional and modern aspects of Vietnamese Youth with a fashion show and dance performance.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with a deferral of Item 3.7 to a date uncertain.

1 CEREMONIAL ITEMS

- 1.1** Presentation of plaques to Warren Honaker for 5 years service on the Airport Commission, to Noel Tebo for 5 years service on the Airport Commission, to Richard Ajluni for 6 years 10 months service on the Arts Commission, to Shahnawaz Saigal for 2 years 8 months service on the CDBG Steering Committee, to Katherine Moore-Wines for 5 years service on the Early Care and Education Commission, to Thomas Paramo for 1 year service on the Early Care and Education Commission, to Hyacinth Stephens for 1 year service on the Early Care and Education Commission, to Judith Recchio for 1 year 5 months service on the Elections Commission, to Avelino Legaspi for 4 years service on the Historic Landmarks Commission, to Gloria Sciara for 4 years service on the Historic Landmarks Commission, and to John Zamora for 4 years 9 months service on the Planning Commission. (Mayor)
- Heard in the evening.**
Mayor Gonzales presented plaques to Warren Honaker, Richard Ajluni, Thomas Paramo, Avelino Legaspi, and John Zamora. Noel Tebo, Shahnawaz Saigal, Katherine Moore-Wines, Hyacinth Stephens, Judith Recchio, and Gloria Sciara were not present. Plaques will be sent to them.

1 CEREMONIAL ITEMS

- 1.2 Presentation of a commendation to Angie Cocke for her continued personal and professional contributions to our community's youth, education, arts, and economy. (Williams)
(Rules Committee referral 8/4/04)
Mayor Gonzales and Council Member Williams presented Angie Cocke with a commendation for her continued personal and professional contributions to the City of San José' community, youth, education, arts, and economy.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of May 18, 2004
- (b) Regular meeting of May 25, 2004
- (c) Joint Council/Redevelopment Agency Board meeting of May 25, 2004
- (d) Joint Council/Financing Authority meeting of May 25, 2004
- (e) Regular meeting of June 1, 2004
- (f) Regular meeting of June 8, 2004
- (g) Joint Council/Redevelopment Agency Board meeting of June 8, 2004
- (h) Public Hearing of June 14, 2004
- (i) Regular meeting of June 15, 2004

Approved.

2.2 Final adoption of ordinances. None.

2.3 Approval of actions related to the consolidation of the Airport Noise Advisory Committee and the Curfew Monitoring Committee into the Airport Noise Advisory Committee.

Recommendation: Approval of an ordinance amending Section 25.04.610 of Chapter 25.04 of Title 25 of the San José Municipal Code (Airport) to consolidate the functions of the Airport Noise Advisory Committee and the Curfew Monitoring Committee into the Airport Noise Advisory Committee and to establish the functions and membership of the consolidated Airport Noise Advisory Committee. CEQA: Not a Project. (Airport)

Ordinance No. 27220 was passed for publication.

2.4 Approval to appoint Dan Doherty, Downtown Merchant, to the Civic Plaza Parking and Traffic Committee, filling an At Large Member vacancy.

Recommendation: Approval to appoint Dan Doherty, Downtown Merchant, to the Civic Plaza Parking and Traffic Committee, filling an At Large Member vacancy.
CEQA: Not a Project. (Public Works)

Approved.

2 CONSENT CALENDAR

2.5 Approval of a change order for the Norman Y. Mineta San José International Airport - Airport Blvd - Terminal Drive Improvements Project.

Recommendation: Approval of Contract Change Order No. 9 with Granite Construction Company, for the Norman Y. Mineta San José International Airport - Airport Blvd - Terminal Drive Improvements Project, in the amount of \$225,000, for a total contract amount of \$3,687,514, and approval of an increase in the project contingency in the amount of \$151,569, from \$321,000 to \$472,569. CEQA: Resolution Nos. 67380 and 71451, PP 04-04-107. (Public Works/Airport)

Approved.

2.6 Approval of Purchase and Sale Agreements for the Story Road Redevelopment Project Area.

Recommendation: Approval of Purchase and Sale Agreements with:

- (a) Albert and Lily Toy, in the amount of \$10,300, plus related closing costs, for the acquisition of a portion of 1101 South King Road (APN: 486-10-068), in the area of the proposed streetscape for the Story Road Redevelopment Project Area; and,
- (b) Dennis Fong and Polly Kam, in the amount of \$95,000, plus related closing costs, for the acquisition of a portion of 1666 South King Road (APN: 486-10-086,88,89), in the area of the proposed streetscape for the Story Road Redevelopment Project Area.

CEQA: Exempt, PP04-05-171. Council District 5. (Public Works)
(Deferred from 6/29/04 – Item 2.30 and 8/3/04 – Item 2.4)

Approved.

2.7 Approval of a nomination to the San José Silicon Valley Workforce Investment Network Board of Directors.

Recommendation: Approval of a nomination to the San José Silicon Valley Workforce Investment Network Board of Directors. (Mayor)
(Rules Committee referral 8/4/04)

Approved.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair No Report.

3.2 Report of the Rules Committee Vice Mayor Dando, Chair No Report.

3 STRATEGIC SUPPORT SERVICES

- 3.3 Report of the Making Government Work Better Committee**
Council Member Campos, Chair
No Report.

- 3.4 Approval of actions for the Integrated Utility Billing, Customer Service and Performance Management System.**

Recommendation:

- (a) Approval to modify Resolution No. 72227, adopted at the June 29, 2004 City Council Meeting, to read: "Adoption of resolution authorizing the City Manager to enter into exclusive negotiations for the purchase, installation, and integration of an Integrated Utility Billing, Customer Service, and Performance Management System (CUSP) with BearingPoint/PeopleSoft, with the option to return to the City Council for further recommendation in the event business terms are not reached with BearingPoint/PeopleSoft."
- (b) Adoption of a resolution authorizing the City Manager to execute a consultant services contract with Advanced Automation Consulting (AAC) to assist City staff with a business process gap analysis, contract negotiations, and provide technical architecture support related to the development of the BearingPoint/PeopleSoft contract scope of services.

CEQA: Not a Project. (Finance)

Deferred to 8/17/04.

- 3.5 Approval of actions for the New City Hall.**

Recommendation: Direction to staff to:

- (a) Issue a Request for Proposals (RFP) to solicit up to three tenants in the New City Hall for approximately 6,000 square feet of first floor space fronting South Fourth Street, without requiring payment of living wages in the RFP;
- (b) Solicit responses from a broad array of commercial retail brokers and restaurant owners and representatives.

CEQA: Not a Project. (Economic Development)

[Deferred from 6/29/04 – Item 3.5(d)]

Approved.

Staff directed to include within the RFP; a section regarding Labor Peace.

3 STRATEGIC SUPPORT SERVICES

3.6 Approval of actions related to the Converged Data Network and Telephony System in the New City Hall.

Recommendation:

- (a) Not approve the proposed contract with Unisys for “Voice Over Internet Protocol” (VoIP) communications and data technology systems for installation at the New Civic Center.
- (b) Direct the Manager to report back to the Council within 7 days with a recommended process and timeline to release a new request for proposals for VoIP services. This RFP should be based on outcomes, functions, service, and quality; identifies existing equipment and systems that must be integrated to achieve these results; and not specify vendors or product brands.
- (c) Direct the Manager to ensure that technical staff who were involved with Cisco Systems during the previous RFP process are not involved in any way with the preparation and evaluation of the new RFP.
- (d) Direct the Manager to report back to the City Council with 7 days on the outcome of his investigations of any improper activities by City staff related to the original VoIP RFP.
- (e) Direct the City Attorney to draft revisions to the Municipal Code related to standardization that reflect current best practices.

(Mayor)

Approved.

Council approved the Mayor's recommendations, the City Attorney/Auditor's Report; and provided numerous directives to staff, including: 1) develop an annual ethics review for all City employees, 2) ensure an environment that enables employees to feel secure about expressing concerns about administrative processes and behaviors, 3) move aggressively, but smartly in the pending investigative review process and if more time is needed come back to the Council, 4) provide Council with information on delay impacts, 5) ensure that the design-build process incorporates changes to the RFP process, and 6) consider adding more expertise to the IT Planning Board.

3.7 Public Hearing on the cost of sidewalk repairs for property owner Sharon L. McDonald.

Recommendation: PUBLIC HEARING for property owner Sharon L. McDonald and adoption of a resolution confirming the report of the Directors of Finance and Transportation that includes the cost of sidewalk repairs and assessments. CEQA: Not a Project. (Finance/Transportation)

(Deferred from 3/30/04 - Item 3.4 et al., and 6/1/04 – Item 3.4)

Deferred to date uncertain.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee Council Member Chavez, Chair No Report.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

- 4.2 Report of the Driving a Strong Economy Committee**
Council Member Williams, Chair
No Report.

5 RECREATION & CULTURAL SERVICES

- 5.1 Report of the All Children Achieve Committee**
Council Member Yeager, Chair
No Report.

- 5.2 Proposed renaming of the “Almaden Branch Library.”**

Recommendation: Approval to retain the name “Almaden Branch Library.” CEQA:
Not a Project. (Library/Library Commission)

Heard in the evening.

Council approved a Memorandum from Vice Mayor Dando, dated August 10, 2004, recommending: 1) name the facility, Almaden Valley Branch Library, 2) Name the Children’s area of this library, The Doris Dillon Children’s Library, 3) Direct the library staff to work with community members and the District 10 Office to develop signage and other appropriate recognition.

6 TRANSPORTATION SERVICES

- 6.1 Report of the Building Better Transportation Committee**
Council Member Cortese, Chair
No Report.

- 6.2 Approval to amend and restate the list of designated Heritage Trees in San José.**

Recommendation: Adoption of a resolution that amends and restates the list of designated Heritage Trees in San José and repeals Resolution No. 69745. CEQA:
Exempt, PP04-07-220. (Transportation)

Resolution No. 72274 adopted.

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened to consider Item 10.1 in a Joint Session at 7:48 P.M.

10.1 Approval of amendments to the Lobbying Ordinance.

Recommendation: Consider the approval of an ordinance amending Chapter 12.12 of Title 12 of the San José Municipal Code to amend and restate the City of San José Municipal Lobbying Ordinance. (Blue Ribbon Task Force)
(Deferred from 6/8/04 – Item 10.2 and 6/29/04 – Item 10.1)

Heard in the evening.

Ordinance No. 27221 was passed for publication.

Council approved a Memorandum from Mayor Gonzales and Council Member Yeager, dated August 9, 2004, recommending approval of the proposed amendments and gave further direction to Staff to return in 4 to 6 months with a status update which shall include a review of concerns expressed in a memo from Council Members Campos, Chirco and Williams, dated August 10, 2004 and a feasibility analysis of Council Member Cortese' suggestions to mandate "real-time" accounting of direct contacts with City officials, as outlined in memorandum, dated August 9, 2004.

The Redevelopment Agency Board portion of the meeting adjourned at 9:36 P.M.

- Closed Session Report
None.
- Notice of City Engineer's Pending Decision on Final Maps
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:
None.

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9539	NW/C of Patterson St. and 3 rd St.	3	Barry Swenson Green Valley	74 units	SFAR

- **Open Forum—**
 - (1) Joseph Miclette commented on opening a Hip Hop Youth Community Center in Downtown San José.**
 - (2) Ross Signorino spoke on Measure E bond issues affecting public libraries.**

11 PUBLIC HEARINGS

(Heard by the City Council at 7:05 p.m.)

11.1 Public Hearing on planned development rezoning of the property located at 765 Willow Glen Way.

Recommendation: Public Hearing on and consider approval of an ordinance on Planned Development Rezoning of the property located at the north side of Willow Glen Way approximately 250 feet from Bird Avenue (765 Willow Glen Way), from R-1-8 Residential Zoning District to A(PD) Planned Development Zoning District, to allow two (2) single-family detached residences on a 0.26 gross acre site. (Robert Cullen, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 04-042 - District 6

Ordinance No. 27222 passed for publication.

11.2 Public Hearing on conforming prezoning of the property located at 2227 Curtner Avenue.

Recommendation: Public Hearing on and consider approval of an ordinance on Conforming Prezoning of the property located at the north side of Curtner Avenue, opposite terminus of Joseph Avenue (2227 Curtner Avenue), from County and R-1-5 Residence Zoning District to R-1-8 Residence Zoning District, to allow residential uses on a 0.72 gross acre site. (Chinese Baptist Church of San José, Inc., Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C03-092 - District 9

Ordinance No. 27223 passed for publication.

Staff directed to return to Council offline with an update pertaining to neighborhood notifications of the proposed conforming prezoning.

11 PUBLIC HEARINGS

11.3 Public Hearing on planned development rezoning of the property located at the southwest corner of Silver Creek and Aborn Roads.

Recommendation: Public Hearing on and consider approval of an ordinance on Planned Development Rezoning of the property located at the southwest corner of Silver Creek and Aborn Roads, from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District, to allow up to 70,000 square feet of retail, 50,000 square feet of medical office or an 80-bed assisted living facility for the elderly, and unimproved land to be dedicated for public park purposes on a 7.5 gross acre site. (Feng Li-Chu And Shen Chung-Guang, Lii Ruey-Rong & Lih-Woan, Shen Chung Guang, Huang Ying-Ming, Huang Chen-Huei, Owners; Barry Swenson Builder, Developer). CEQA: Mitigated Negative Declaration.

PDC04-008 - District 7

Continued to 8/17/04.

11.4 Public Hearing on conforming rezoning of the property located at 18 N. White Road.

Recommendation: Public Hearing on and consider approval of an ordinance on Conforming Rezoning of the property located on the east side of White Road, approximately 160 feet northerly of Alum Rock Avenue (18 N. White Road), from R-1-8 Single-Family Residence District and CP Commercial Pedestrian Zoning Districts to CP Commercial Pedestrian Zoning District, to allow commercial uses on a 0.34 gross acre site. (The Lawrence Company, Owner). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C04-023 – District 5

Ordinance No. 27224 passed for publication.

11.5 Public Hearing on conforming rezoning of the property located at 6095 Cahalan Avenue.

Recommendation: Public Hearing on and consider approval of an ordinance on Conforming Rezoning of the property located at the northwest corner of Cahalan Avenue and Santa Teresa Boulevard (6095 Cahalan Avenue), from CP Pedestrian Commercial Zoning District to CN Commercial Neighborhood Zoning District to allow commercial uses on a 1.8-acre site. (YBM Inc., Owner/Applicant). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C04-027 - District 10

Ordinance No. 27225 passed for publication.

11 PUBLIC HEARINGS

11.6 Public Hearing conforming rezoning of the property located at 3382 Monterey Road.

Recommendation: Public Hearing on and consider approval of an ordinance on Conforming Rezoning of the property located on the east side of Monterey Road, approximately 280 feet northwesterly of Fehren Drive (3382 Monterey Road), from County to CN Neighborhood Commercial, to allow commercial uses on a 1.24 gross acre site. (Panchal Natwarlal M. and Gita N. Trustee, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C04-056 – District 7

Ordinance No. 27226 passed for publication.

- Open Forum
None.
- Adjournment
The Council of the City of San José adjourned at 9:36 P.M.